



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

TJR
Docket No: 556-99
22 July 1999

[REDACTED]

Dear [REDACTED],

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 13 July 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Marine Corps on 24 May 1955 at the age of 17. Your record reflects that you served for a year and two months without disciplinary incident but on 30 July 1956 you were convicted by special court-martial (SPCM) of a 17 day period of unauthorized absence (UA), missing the movement of your ship, and possession of another person's identification card. You were sentenced to confinement at hard labor for three months and forfeitures totalling \$165.

Your record further reflects that on 29 January 1957 you received nonjudicial punishment (NJP) for one day of UA. The punishment imposed was restriction for 14 days. On 16 May 1957 you were convicted by summary court-martial (SCM) for failure to obey a lawful order. You were sentenced to confinement at hard labor for 20 days and forfeitures totalling \$50. On 31 August 1957 you were convicted by SPCM of disorderly conduct, disobedience, a two day period of UA, wrongful appropriation of a government vehicle, and attempting to break restriction. You were sentenced to confinement at hard labor for six months, forfeitures totalling

\$396, and a bad conduct discharge (BCD). After the findings and sentence of the SPCM were reviewed and approved, the BCD was ordered executed. On 31 January 1958 you received the BCD.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity and your contention that you would like your discharge upgraded so that you may eligible to join some private clubs. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the seriousness frequency of your misconduct which resulted in an NJP and three court-martial convictions. Given all the circumstances of your case, the Board concluded your discharge was proper and no change is warranted. Accordingly, your application has been denied.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director